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Docket: 6739

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	John G. Spakousky	
Appln. No.:	09/758,845	
Filing Date:	January 11, 2001	Examiner: P. Tran A
Title:	COMPOSITE BUILDING BLOCK WITH CONNECTIVE STRUCTURE	Group Art Unit: 3637

Commissioner for Patents  
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.132

Dear Sir:

Stephen P. Samaha declares as follows:

1. I have a bachelor's degree in architecture and I am an associate member of the American Institute of Architects (AIA). I have 10 years of experience in the manufacture of masonry block and brick units. I also have 15 years of experience in the construction of structures utilizing masonry block and brick units. I hold a certification by the National Concrete Masonry Association as a consultant of concrete masonry (CCCM) and a registered construction documents technologist certification (CDT) with the Construction Specifications Institute. Additionally, I have participated in the writing of codes and standards for the masonry industry through the American Society of Testing and Materials (ASTM). I am currently the Vice President of Marketing at Pentstar Corporation, the assignee of U.S. Patent Application No. 09/758,845.

2. I have studied the disclosure of the above-referenced patent application and its pending independent claim 1, which recites a "block comprising: an outer wall and an inner wall, at least one of which is vertical load bearing."

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3. The term "load-bearing" is a well-known term of art in the fields of construction, structural engineering, and architecture. Load-bearing is defined as being "capable of bearing a structural load"<sup>1</sup> or "supporting a superimposed weight or force."<sup>2</sup>

4. As one who is skilled in the art of building construction and building products, I would understand that the block recited in independent claim 1 would have at least one wall that is sufficiently strong to support structural loads in the building construction or structural engineering sense of the word. In other words, at least one of the walls comprising the block would be sufficiently strong to support superimposed structural loads in addition to the loads imposed by fellow blocks located in higher block courses.

4. I have studied U.S. Patent 5,570,552 to Nehring and U.S. Patent 6,293,067 to Meendering, both of which are cited against independent claim 1 in the Office Action of July 3, 2003.

5. Nehring utilizes an "expanded foam plastic material" for its sidewalls 22, 24. *Nehring*, col. 4, l. 45. Similarly, Meendering utilizes "sheets of foamed plastic material to provide the walls for the form." *Meendering*, col. 1, ll. 58-59.

6. As one skilled in the art of building construction and building products, I would not find that the foam plastic walls of Nehring or Meendering are load-bearing. Instead, I would find that they are good examples of non-load-bearing in the building construction or structural engineering sense of the word, because their foam plastic walls are not sufficiently strong to be used to bear a structural load in a building structure.

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<sup>1</sup> see definitions at: Dictionary.com at <http://dictionary.reference.com/search?q=load-bearing>; WordNet 1.7 Vocabulary Helper at <http://poets.notredame.ac.jp/cgi-bin/wn?cmd=wn&word=load-bearing>; Ultralingua.net at [http://ultralingua.net/results.html?lookup\\_action=en|english|English&lookup\\_letters=load-bearing](http://ultralingua.net/results.html?lookup_action=en|english|English&lookup_letters=load-bearing); Lookwayup.com at [http://lookwayup.com/lwu.exe/lwu/d?t=&h&s=f&b=&w=load-bearing&pos=a&Syn\\_ID=](http://lookwayup.com/lwu.exe/lwu/d?t=&h&s=f&b=&w=load-bearing&pos=a&Syn_ID=). Copies of these web pages are provided in Appendix A.

<sup>2</sup> see definitions at: National Contractor Referrals at <http://www.contractorreferral.com/cgi-bin/glossary.pl?TERM=L>. A copy of this web page is provided in Appendix A.

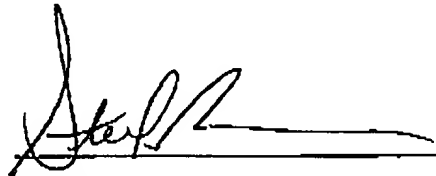
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7. Based on my understanding as one skilled in the art of building construction and building products, I would not find that Nehring or Meendering disclose, teach or suggest a "load-bearing," inner or outer wall in a block, as recited in independent claim 1.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: \_\_\_\_\_

12/2/2003



Stephen P. Samaha

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